



Recycling Financial Assistance Programs

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Recycling Financial Assistance Programs

Introduction

The Legislature enacted 1989 Wisconsin Act 335, a statewide regulatory and financial assistance program aimed at encouraging, and in some instances requiring, solid waste recycling and reduction. The act also banned certain recyclable materials from landfills. Subsequent legislation modified the funding sources and appropriations for state recycling programs.

The purpose of this paper is to describe major, statewide solid waste recycling regulations, and Department of Natural Resources (DNR) administration of recycling requirements, financial assistance programs, and electronics recycling programs. It also describes the Department of Agriculture, Trade and Consumer Protection (DATCP) clean sweep grants for the collection of household hazardous waste, pesticides, and farm chemicals.

DNR administers the municipal and county recycling grant program that provides financial assistance to responsible units of local government for a portion of eligible recycling expenses. The grant program is appropriated \$18 million for grants to responsible units in calendar year 2016 (2015-16) and \$19 million in 2017 (2016-17). In addition, a recycling consolidation grant program is funded with \$1 million annually effective in 2011-12.

Recycling programs are funded from the segregated environmental management account of the environmental fund. Prior to 2011-12, recycling programs were funded from the segregated recycling and renewable energy fund, which received revenue from a recycling tipping fee on solid waste disposed of in the state, and a recycling surcharge on business income. In 2011

Wisconsin Act 32, the recycling fund was repealed. Recycling tipping fees and electronics recycling fee revenues, and recycling program appropriations were transferred to the environmental management account. The recycling grants to local governments are the largest expenditures from the environmental management account. For more information about revenues and expenditures to the account, see the Legislative Fiscal Bureau informational paper entitled "Environmental Management Account."

Solid Waste and Recycling Program Requirements

Solid Waste Management Policy

The state's solid waste management policy, established in 1989 Wisconsin Act 335 in s. 287.05 of the statutes, declares that maximum solid waste reduction, reuse, recycling, composting and resource recovery is in the best interest of the state in order to protect public health, to protect the quality of the natural environment and to conserve resources and energy.

The policy states that implementation of solid waste reduction, reuse, recycling, composting and resource recovery systems and operations should involve and encourage the cooperation of individuals, state and local governments, tribes, schools, private organizations and businesses. The statutes specify that state government should achieve this by relying to the maximum extent feasible on technical and financial assistance, educational and managerial practices, and that necessary regulations should be developed with maximum flexibility.

The state policy establishes a hierarchy of solid waste management options, ranked in the following order of preference: (1) reduction of the amount of solid waste generated; (2) reuse of solid waste; (3) recycling of solid waste; (4) composting of solid waste; (5) recovery of energy from solid waste; (6) land disposal of solid waste; and (7) the burning of solid waste without energy recovery.

Bans on Landfilling and Incineration

State law prohibits the landfilling and incineration of specified materials after certain dates as a means of encouraging their recycling or reducing their generation.

In the recycling law, the term "solid waste disposal facility" includes several types of facilities, but is most commonly synonymous with the more familiar "landfill." A "solid waste treatment facility" that burns solid waste is generally synonymous with "incinerator." For the purposes of this paper, "landfill" and "incinerator" will be used unless a more extensive definition is necessary for clarity.

Bans of specific materials went into effect in 1991, 1993, 1995, 2010, 2011, and 2012. Table 1 lists materials banned from landfills and the year in which the materials were banned.

DNR is authorized to add or subtract electronic devices from the list of electronic devices banned from landfills by promulgating administrative rule changes. DNR has not done so as of the fall of 2016.

Exceptions to the Bans

Exceptions to the 1995 bans are made for: (a) incidental amounts of the banned materials generated in a region that has an effective recycling program; (b) certain materials incinerated in a grandfathered incinerator; (c) incinerators that burn solid waste as a supplemental fuel; (d) cer-

tain medical waste; (e) unexpected emergency conditions; (f) certain woody materials burned in approved wood burning facilities; (g) beneficial reuse of a material within a landfill; (h) contaminated materials; and (i) certain plastics if recycling is not feasible. "Incidental amounts" refers to banned materials that are not separated for recycling within an effective program, including items the consumer fails to separate, and nonrecyclable items, such as newspapers used for cleaning windows and cardboard pizza take-out boxes with food residue.

The Department of Natural Resources is authorized to grant a waiver to the yard waste landfilling prohibition to allow the burning of brush or other clean, woody vegetative material that is no greater than six inches in diameter at wood-burning facilities that are licensed or permitted by DNR.

The ban on landfilling yard waste does not apply to the disposal of plants classified by DNR as invasive species or their seeds. Persons are allowed to dispose of invasive plants in a landfill if the plants or seeds are not commingled with other yard waste.

Landfill operators are required to make a reasonable effort to manually separate, and arrange to have recycled, a television, a laptop computer, or computer monitor that is readily observable in the solid waste that is delivered to the landfill. This does not apply if: (a) separating the device is not practical; (b) separating the device would require the operator to implement measures to protect human health or safety in addition to any measures taken in the ordinary course of business; or (c) the device has been damaged in such a way that recycling is not feasible or practical.

Enforcement of Bans

DNR is authorized to issue a citation to any person who violates any of the bans. The forfeit-

Table 1: Materials Banned from Landfills

| Date | Material |
|-------------------|---|
| January 1, 1991 | No person may dispose of the following in a landfill or solid waste disposal facility: <ul style="list-style-type: none">• Lead acid batteries• Major appliances = residential or commercial air conditioners, clothes dryers, clothes washers, dishwashers, freezers, microwave ovens, ovens, refrigerators, stoves, furnaces, boilers, dehumidifiers and water heaters.• Waste oil |
| January 3, 1993 | No person may dispose of yard waste in a landfill or solid waste disposal facility, except in an approved land spreading facility (a facility in which solid waste is placed in thin layers onto the surface of the land or incorporated into the surface layers of the soil). No person may burn yard waste without energy recovery. Yard waste = leaves, grass clippings, yard and garden debris, and brush, including clean woody vegetative material no greater than six inches in diameter. Yard waste does not include stumps, roots or shrubs with intact root balls. |
| January 1, 1995 | No person may dispose of the following in a landfill or solid waste disposal facility: <ul style="list-style-type: none">• Aluminum containers• Corrugated paper or other container board• Foam polystyrene packaging• Glass containers• Magazines• Newspapers• Office paper• Plastic containers (plastics #1 through #7)• Steel containers• Bi-metal cans (combination of steel and aluminum)• Waste tires (can be burned with energy recovery, but cannot be burned without energy recovery). |
| September 1, 2010 | No person may landfill, burn with or without energy recovery, or place in a container the contents of which will be landfilled or burned, electronic devices or covered electronic devices. Electronic devices = Peripheral (such as computer keyboard, mouse or speaker), facsimile machine, digital video disc player, digital video player, video cassette recorder, video recorder, or cell phone. Covered electronic device = television, computer monitor, computer, or printer for use by households or schools. |
| January 1, 2011 | No person may dispose of used oil filters for automotive engine oil in a landfill or solid waste facility. |
| July 1, 2011 | No person may place in a container the contents of which will be disposed of in a solid waste facility, converted into fuel, or burned at a solid waste treatment facility, any of the materials subject to the 1995 bans. No person may place a waste tire in a container the contents of which will be disposed of in a solid waste facility, or burned without waste recovery at a solid waste treatment facility. |
| April 7, 2012 | No person may dispose of oil-absorbent materials containing waste oil in a landfill or solid waste facility unless waste oil has been drained so no visible signs of free-flowing oil remain in or on the oil-absorbent materials, and the oil-absorbent materials are not hazardous waste. |

ures that may be collected through a citation for violation of these requirements are \$50 for the first violation, \$200 for the second and \$2,000 for the third or subsequent violation. The Attorney General is authorized to enforce the 1995 and 2010 bans by seeking injunctive relief against any person who violates them.

DNR's implementation of the recycling law emphasizes achieving voluntary compliance through technical and financial assistance rather than enforced compliance through the imposition of penalties or injunctions. However, the Department works with responsible units to identify violations of local recycling ordinances by waste haulers or landfills.

DNR also is authorized to: (a) hold hearings and compel the attendance of witnesses in the production of evidence related to the administration of the statewide recycling laws; and (b) enter and inspect property at which a solid waste facility is located, or is being constructed or installed, or inspect any record relating to solid waste management at any reasonable time for the purpose of ascertaining the status of compliance with recycling law.

DNR activities related to enforcement are described under the sections on effective recycling programs and solid waste haulers. Prior to 2010, DNR referred a small number of cases related to the landfill bans to the Department of Justice (DOJ) for enforcement action, as part of enforcement of other solid waste violations. DNR has not referred any cases related to landfill bans to DOJ between 2010 and the fall of 2016. Examples of other violations include landfill license violations, open burning, improper storage of solid or hazardous waste or recyclable materials at nonlicensed sites, and improper hauling or processing. In cases where a business, resident or other entity is not following recycling requirements of the local ordinance, DNR works with the responsible unit on enforcement. In cases

where waste haulers or materials recovery facilities are not complying with state recycling requirements outside the authority of the responsible unit, DNR works directly with the haulers or materials recovery facilities to ensure compliance with state requirements.

Local Government Responsible Units

Responsibilities of Local Governments

The statutes establish several responsibilities for local government related to recycling. In general, the local units of government responsible for implementing state-mandated recycling programs are termed "responsible units." Under the recycling law definition, the responsible unit for a geographic area is the municipality (city, village or town) unless a county takes specific action to create a responsible unit. Currently, every municipality in the state is included within one of 1,064 responsible units. For 2016, almost all responsible units (1,024 of 1,064), representing over 98% of the state's population, received state-funded grants for a portion of the costs of operating local recycling programs.

A county may become a responsible unit upon its board adopting a resolution accepting this designation. There are 34 counties that are responsible units for all or some of the communities within their boundaries.

The governing body of any responsible unit may designate, by contract, another unit of government to be the responsible unit, if it has that unit of government's consent. These multiple-municipality responsible units consist of counties, solid waste management commissions or two or more neighboring municipalities. Federally recognized Indian tribes or bands may also become responsible units.

Each responsible unit must develop and implement a program to manage the solid waste generated within its jurisdiction in compliance with the 1991, 1993 and 1995 bans and the state's solid waste management priorities. The allowable ways this may be done are: (a) manage materials subject to the 1995 bans in an "effective recycling program" and comply with the 1991 and 1993 bans; or (b) burn combustible materials subject to the 1995 bans in a "grandfathered" incinerator (described in the section on exceptions to the bans), manage the non-combustibles in an effective recycling program and comply with the 1991 and 1993 bans.

Each responsible unit is required to provide information to people in its region about the electronic device landfilling ban, why it is important to recycle electronic devices, and opportunities available to those persons for recycling electronic devices.

Responsible units are authorized to designate one or more persons to implement specific components of the solid waste management program and are authorized to adopt an ordinance to enforce this program.

Responsible units may charge recycling fees, defined as any special assessment or charge levied for services provided by responsible units, or other parties, including private parties, that relate to the responsible unit's duties to operate a solid waste management program. Unpaid recycling fees are a lien on the property against which the fees are levied and are to be collected in the same manner as delinquent property taxes.

No officer, official, agent or employee of a responsible unit may be held liable for civil damages as a result of good faith actions taken by that person within the scope of that person's duties relating to the responsible unit's recycling program or recycling site or facility.

Any responsible unit that accepts funding

from the municipal and county recycling grant program, or a county or municipality within such a responsible unit, is prohibited from regulating the sale or distribution of packaging for a purpose relating to its disposal unless that restriction is consistent with current law relating to marketing and trade practices or solid waste regulation. For example, a municipality that accepts grant funding may not ban retail sales of products packaged in a certain type of plastic in order to reduce the disposal problems associated with that plastic. The unit of government also may not impose a tax or fee on the sale or distribution of the packaging for a purpose related to its disposal.

Under 2015 Wisconsin Act 302, local governments are not allowed to regulate the use of auxiliary containers, such as single-use bags, cups, bottles, and cans, that are intended to transport food or other items from a food or retail establishment. Local governments are not allowed to: (a) enact or enforce an ordinance that regulates the use, disposition or sale of auxiliary containers; (b) prohibit or restrict auxiliary containers; or (c) impose a fee, charge, or surcharge on auxiliary containers.

Effective Recycling Programs

A responsible unit's compliance with its recycling responsibilities relating to the 1995 landfill and incineration bans is determined by whether it is judged to have an "effective recycling program." The designation of an effective recycling program is significant because, beginning in 1995, a responsible unit must have an approved effective recycling program in order to: (a) landfill or incinerate certain materials in the state; and (b) to apply for state recycling grant funds.

Materials subject to the 1995 ban may generally only be landfilled or incinerated in the state if they are the "residuals" (in this context, materials remaining after other like materials have been separated for recycling) from an effective recycling program, or qualify under one of the other

exceptions.

All 1,064 responsible units have received approval from DNR as having effective recycling programs. The approval is valid as long as the local program is operated in a manner that maintains the required components of an effective recycling program.

Local programs are required to submit an annual report to DNR by April 30, for the preceding calendar year, that describes their effective recycling program. DNR administrative rules require that the report contain specific information regarding how the responsible unit is complying with effective program requirements. DNR staff review the reports and perform program evaluations to determine the compliance of the responsible unit with the effective program requirements.

Required Components of an Effective Program. Under requirements in Chapter 287 of the statutes and administrative rule NR 544, a responsible unit is required to administer an effective recycling program that has all of the following components:

1. A local ordinance to require recycling of the banned materials in all residences and non-residential facilities and properties. The ordinance must: (a) prohibit the landfilling or burning of materials subject to the 1995 bans that are separated for recycling; (b) require residents of single-family, two- to four-unit residences, multiple-family dwellings, and non-residential properties to separate the banned materials from solid waste or send the materials to a materials recovery facility for recycling; (c) require owners of multiple-family dwellings and non-residential properties to provide recycling containers; (d) require owners of nonresidential properties to notify users of how to recycle materials; and (e) provide for enforcement and penalties.

2. A public education and information pro-

gram about how to recycle materials, reduce waste and reuse materials.

3. A method for collecting, processing and marketing of recyclables from single-family and two- to four-unit residences.

4. Curbside collection in municipalities with populations of 5,000 or greater and a population density greater than 70 persons per square mile. These municipalities must provide, at least monthly, curbside collection from single-family and two- to four-unit residences for at least newspaper, glass, aluminum and steel containers, plastic containers made of PETE (polyethylene terephthalate or #1 plastic) or HDPE (high density polyethylene or #2 plastic), and either corrugated paper or magazines, and must provide drop-off collection for materials that are not collected curbside.

5. Drop-off collection in municipalities with populations of less than 5,000 or a population density of 70 persons per square mile or less. These municipalities must provide services for single-family and two- to four-unit residences.

6. Collection of eight recyclable materials that equals or exceeds 83.7 pounds per person per year in rural municipalities (population of 5,000 or less, or a permanent population density of fewer than 70 persons per square mile) or 108.2 pounds per person per year in other (urban) municipalities.

7. Equipment and staff necessary to operate and enforce the program.

8. Provisions for the management of post-consumer waste that is generated within the responsible unit.

9. A reasonable effort to reduce the amount of recyclable materials subject to the 1995 landfill bans, that are generated as solid waste and disposed of in a landfill.

10. A compliance assurance plan describing the procedure the responsible unit will follow to address, at a minimum, one commonly encountered type of non-compliance with recycling requirements specified in its recycling ordinance.

11. Submittal of an annual program report to DNR that contains specified information and describes how the local program meets state requirements.

Implementation of Effective Recycling Programs. The structure of individual local recycling programs varies. Responsible units generally collect recyclable materials through one of two methods. Curbside collection is the collection of materials that are set out at the curb of the residence where they were generated. Drop-off collection is the collection of materials at centralized locations where people who generate the recyclables deliver or "drop off" the materials.

In 2015, 31% of the state's population lived in responsible units that only had curbside collection programs, 57% lived in responsible units with combination of curbside and drop-off collection and 12% lived in responsible units where only drop-off collection was reported as the primary collection system. The percentage of responsible units with a combination of curbside and drop-off collection is high because: (a) approximately 25% of the population of the state is served by county responsible units, in which some member communities may have curbside collection and others have drop-off, so the county is reported as having both; and (b) in some responsible units with both curbside and drop-off programs, the drop-off collection is mainly used for items that are not picked up at curbside.

DNR estimates that in 2015, over 97% of responsible units with populations over 2,000 had access to curbside collection or a combination of curbside and drop-off collection. Approximately 65% of the responsible units with populations

less than 2,000, and the majority of the population in those responsible units, had access to curbside collection or a combination of curbside and drop-off collection.

Responsible units may choose to own or operate a materials recovery facility (MRF) as part of their effective recycling program, or contract with a separately-owned MRF, or neither. A materials recovery facility is a facility where materials banned from landfills, and not mixed with other solid waste, are processed for reuse or recycling. A MRF is required to submit a self-certification form to DNR that the facility complies with state requirements before the MRF begins to serve a responsible unit. The self-certification includes information about the operations of the facility, types and amounts of materials processed, storage capacity, procedures in place to prevent nuisance conditions or discharges of contaminants to the environment from the materials, and certification that the facility produces recovered recyclable materials in accordance with market quality specifications. The MRF must also annually submit a certification renewal and report to DNR.

Responsible units reported to DNR that they collected a total of 707,031 tons of recyclable materials from residences in 2015. The amount of recyclable materials collected by responsible units in 1994 through 2015, as reported to DNR, is shown in Table 2. Approximately 58% of recyclable materials collected in 2015 were materials subject to the 1995 bans and 39% was yard waste subject to the 1993 bans. Residential recycling programs collected an average of 144 pounds per capita of the 1995 banned materials in 2015, and an average of approximately 249 pounds of recyclable materials per capita of the materials shown in Table 2.

DNR contracted with private entities to conduct waste characterization studies of recyclable materials for DNR in 1990, 1995, 2000, and 2009. DNR used the studies to make estimates of

Table 2: Recyclable Materials Collected by Responsible Units and Reported to DNR (Tons)

| Year | Materials Banned from Landfills as of 1995* | Yard Waste | Other Banned Materials** | Non-Banned Materials*** | Total |
|------|---|------------|--------------------------|-------------------------|---------|
| 1994 | 226,701 | 213,635 | 18,018 | 3,195 | 461,549 |
| 1995 | 360,669 | 210,288 | 22,598 | 47,316 | 640,871 |
| 1996 | 361,001 | 241,492 | 20,848 | 76,344 | 699,685 |
| 1997 | 389,161 | 280,213 | 25,950 | 71,682 | 767,006 |
| 1998 | 379,772 | 288,606 | 26,703 | 99,240 | 794,321 |
| 1999 | 389,381 | 278,275 | 26,668 | 70,994 | 765,318 |
| 2000 | 405,179 | 252,479 | 24,956 | 47,969 | 730,583 |
| 2001 | 403,915 | 260,047 | 23,498 | 39,596 | 727,056 |
| 2002 | 397,384 | 248,165 | 25,927 | 43,017 | 714,493 |
| 2003 | 397,596 | 260,396 | 22,097 | 55,521 | 735,610 |
| 2004 | 410,548 | 281,506 | 19,315 | 18,254 | 729,623 |
| 2005 | 410,492 | 283,489 | 15,867 | 18,384 | 728,232 |
| 2006 | 419,116 | 267,338 | 13,558 | 18,538 | 718,550 |
| 2007 | 411,047 | 241,149 | 14,001 | 23,521 | 689,718 |
| 2008 | 423,661 | 275,869 | 16,952 | 19,705 | 736,187 |
| 2009 | 410,443 | 270,946 | 12,972 | 16,000 | 710,361 |
| 2010 | 420,047 | 260,747 | 16,511 | 23,269 | 720,574 |
| 2011 | 398,524 | 242,731 | 16,247 | NA | 657,502 |
| 2012 | 392,576 | 250,021 | 15,755 | NA | 658,352 |
| 2013 | 414,453 | 259,291 | 20,035 | NA | 693,779 |
| 2014 | 412,767 | 277,955 | 19,511 | NA | 710,233 |
| 2015 | 410,192 | 279,141 | 17,698 | NA | 707,031 |

* Includes old newspapers, old magazines, old corrugated cardboard, office paper, aluminum cans, steel cans, glass containers, plastic containers, co-mingled containers and polystyrene foam.

** Includes appliances, tires, lead acid batteries, and used oil. Includes electronics as of 2010.

*** Includes scrap metal, used clothing or textiles, miscellaneous recyclables, and residential mixed paper. Includes electronics through 2009. DNR does not collect this information beginning in 2011.

NA= Not available.

collected recyclable materials as a percentage of municipal solid waste generated statewide (residential and commercial solid waste) with the most recent results shown in Table 3. The actual recycling rates vary among municipalities.

In 2002 and 2009, DNR contracted with private entities to study the quantity of municipal solid waste that is landfilled in the state. DNR used the study data to analyze how successful local recycling programs have been both in diverting banned materials from landfills, and in determining the average amounts and ranges of recyclable materials found in the waste stream and diverted from landfills. A report for the 2009

study included estimates of the quantity and composition of municipal solid waste disposed of in landfills by Wisconsin households, businesses, and institutions. In general, the study found that less waste was landfilled in 2009 than in 2002, likely due to the economic slowdown in 2009, and the composition of waste was similar to that of 2002.

DNR used data from annual reports submitted by responsible units in 2005 and 2006 to estimate that collected recyclable materials represented a statewide average of 24% of municipal solid waste generated. DNR also estimated that the total diversion rate, including composting or yard

Table 3: DNR's Most Recent Estimates of the Recycling Rate for Various Materials and Landfill Diversion Rate

| Material | Estimated Recycling Rate * |
|---|----------------------------|
| 2005 to 2006 Overall average landfill diversion rate ** | 36% |
| 2009 Recycling rate for various materials *** | |
| Glass containers | 75% |
| Aluminum containers | 42% |
| Steel cans | 42% |
| Uncoated cardboard | 59% |
| Other recyclable paper | 56% |
| PET bottles and non-bottles | 19-35% |
| HDPE bottles | 45% |
| #3-7 plastic bottles | 17% |
| Other plastic packaging | 8% |

* Does not include recycling that takes place through direct redemption, such as aluminum cans, or direct sales of recovered materials by generators, such as grocery stores recycling cardboard boxes.

**The DNR estimate includes recycling, plus combustion with energy recovery, plus yard waste managed at home. DNR indicates it does not have sufficient data to estimate the overall landfill diversion rate in a year more recent than 2006.

*** DNR indicates it does not have sufficient data to estimate the recycling rate for various recyclable materials in a year more recent than 2009.

waste managed at home (10%), and incineration with energy recovery (3%), represented approximately 36% of municipal solid waste generated in 2005 to 2006.

DNR officials indicate the 2009 study data was not sufficient to update the 2006 estimate of the overall average landfill diversion rate. However, DNR used the data to update estimates of the recycling rate for various recyclable materials. Table 3 shows the most recent DNR estimates of the overall landfill diversion rate in 2005 to 2006 and the recycling rate for several recyclable materials in 2009. DNR has not updated estimates of either measurement since then.

Review and Enforcement of Effective Program Requirements. DNR is required to administer compliance of responsible units with effective

recycling program criteria. The Department is also required to annually review the programs of at least 5% of the responsible unit grant recipients to ensure that programs and activities funded by responsible units meet the requirements of the statutes.

In 2014 through 2015, DNR reviewed the compliance of 173 effective programs. The Department also held online webinar sessions to assist responsible units in complying with effective program and annual reporting requirements, discuss recycling topics of interest, and provide opportunities for responsible units to learn from each other about ways to improve their recycling programs. In 2016, DNR transferred staff work related to responsible units, from regional staff to Madison central office staff. The Department's review is handled by recycling grants staff when they review grant-eligible expenses, and by selected review of annual reports. Beginning in 2016, DNR planned to also review a smaller number of responsible units through one-on-one phone conversations or group meetings.

In 2014, the Department expanded an awards program to statewide to recognize responsible units that had outstanding performance during the prior year. The program recognizes local efforts in the categories of projects and initiatives, overall program, special events, and innovation.

In each of 2009 through 2016, DNR notified a few responsible units of minor noncompliance issues through letters, discussions or meetings, but the issues were not serious enough to issue a notice of noncompliance. Examples of noncompliance concerns included responsible units not doing a sufficient job of: (a) providing adequate collection of recyclables; (b) requiring businesses to recycle; (c) inspecting businesses or apartments for compliance; (d) completing a compliance assurance plan; and (e) submitting an annual report in a timely manner. DNR negotiated corrective action with the responsible units, and all required corrective action was completed.

In 2014, DNR revised its method of handling late annual reports, to train responsible unit representatives how to fill out late annual reports, send reminders that the responsible unit would be placed on probation with the potential loss of grant funds, and use available waste hauler data to fill out annual reports for responsible units.

In the spring of 2014, DNR notified responsible units that if they did not submit the required 2013 annual recycling report by April 30, 2014, they would be placed on a one-year probation starting July 1, 2014. The probation would be in effect until the responsible unit submits its 2014 annual recycling report. Receipt of a recycling grant for calendar year 2015 was conditional on submittal of the 2014 annual recycling report (due April 30, 2015) by June 30, 2015.

In 2014, DNR placed 24 responsible units on probation for nonsubmittal of the 2013 annual report, with receipt of the 2015 grant being conditional upon submittal of the 2014 annual report by the April 30, 2015, deadline. All except two submitted the 2013 report by mid-May, 2014. The remaining two submitted their report after receiving a letter from DNR informing them they would be invoiced to repay the full 2013 recycling grant. In 2015, DNR placed 28 responsible units on probation for submitting the 2014 annual report after April 30, 2015. In 2016, DNR placed 13 responsible units on probation for submitting the 2015 annual report after April 30, 2016. One responsible unit (Village of Ironton in Sauk County) did not submit the 2014 or 2015 annual report, and DNR followed up by invoicing the responsible unit for repayment of the 2015 recycling grant and denying payment of the 2016 grant. The other responsible units submitted their annual reports, were removed from probation, and did not lose grant funding.

DNR did not issue notices of violation or notices of noncompliance in 2014 or 2015 to responsible units with late annual reports. In the fall of 2016, the Department issued notices of

noncompliance to two responsible units that did not submit an annual report in 2016 and for whom no waste hauler data was available (the Village of Couderay in Sawyer County and Town of Farmington in Jefferson County). The Town of Farmington subsequently submitted its annual report and returned to compliance.

DNR has worked with responsible units to resolve a small number of complaints, such as: (a) a waste hauler collecting separated recyclables with solid waste and landfilling all of the materials; (b) businesses, apartment buildings, or residences not separating recyclables; (c) a responsible unit not collecting for recycling all materials banned from landfills; (d) responsible units or solid waste haulers not separating recyclable materials from solid waste; and (e) materials recovery facilities storing recyclable materials outside. In 2016, DNR also issued a notice of noncompliance to a solid waste hauler for issues related to storage of computer monitors and televisions outdoors, handling of hazardous waste, and compliance with requirements for storage and disposal of solid waste.

For 2015, responsible units reported to DNR that they took the following actions related to enforcing landfill bans: (a) received 5,553 complaints; (b) issued 2,280 verbal warnings; (c) issued 7,234 written warnings; (d) issued 36,399 warning tags for trash with recyclables in it; (e) issued 745 citations; and (f) made 1,553 inspections. Almost all the actions under (a) through (e) related to recycling in one- to four-unit dwellings. All of the inspections were related to multi-family dwellings and businesses. DNR does not have information about the reasons for the complaints, or the types of citations. DNR indicates most of the warnings were tags placed on trash cans that had recyclables in them.

Variations and Waivers to the Effective Program Criteria. DNR may grant a variance to a specific responsible unit from certain effective program criteria for one or more of the materials

subject to the 1995 landfill and incinerations bans. DNR may grant the variance to a specific responsible unit if a cost of selling processed material exceeds certain criteria.

In October, 1996, DNR issued a waiver to the collection and disposal requirements for #3 through #7 plastic containers and polystyrene foam packaging, based on a departmental study that indicated that it is not feasible or practical to continue collecting these materials under current market conditions. The waiver has been in effect for over 20 years and will continue until one year after DNR determines that markets are available for these materials.

Issuance of a variance or waiver eliminates for effective recycling programs the requirement to separate those recyclable materials, or the prohibition on disposal or incineration of those materials, or both.

Out-of-State Waste

The recycling statutes in effect before 1997 required governmental units located outside Wisconsin to receive approval as effective recycling programs in order to dispose of solid waste in Wisconsin. This was found to be unconstitutional in *National Solid Waste Management Assoc. v. George Meyer*, 63 F. 3d 653 (1995), by the U.S. Seventh Circuit Court of Appeals. 1997 Wisconsin Act 27 made several changes related to the disposal of out-of-state waste in Wisconsin. Those changes were struck down in 1998 by the U.S. District Court for the Western District of Wisconsin, and in 1999 by the U.S. Seventh Circuit Court of Appeals. Consequently, DNR does not enforce effective recycling program criteria on waste disposed of in Wisconsin landfills, if the waste is generated out-of-state.

Solid Waste Haulers

Haulers who collect and transport solid waste

are required to be licensed by DNR under solid waste management statutes and are required to comply with the solid waste landfill bans. Haulers who collect and transport municipal solid waste are required to notify their clients (the contracting entity or the entity that arranges for collection and transportation service) of the need to comply with state and local recycling requirements. Haulers are also required to provide information to responsible units about the amount of recyclable materials collected under contract with the responsible unit, within four weeks of a written request from the responsible unit.

DNR sends annual letters to licensed haulers of solid waste and recyclable materials as part of the annual license renewal process to review the recycling and landfill ban requirements. This includes reminding haulers of the requirements that haulers must: (a) annually notify their customers about state and local recycling requirements and landfill bans; (b) keep collected recyclable materials separate from solid waste; (c) maintain separated recyclables in clean condition; and (d) report the weight of collected recyclables to responsible units.

In 2010 through 2016, DNR notified solid waste haulers of the bans on the disposal of materials banned from landfills. DNR also developed guidance on implementing the bans for haulers, landfill operators, auto scrap processors, and other affected businesses and facilities, and related to the requirements to separate recyclables from solid waste. In addition, DNR reminded waste haulers about administrative rules regarding composting and allowing landfilling of certain invasive species.

DNR has not issued any notices of noncompliance to a hauler since 2009, when it issued one in response to a complaint that a driver had mixed sorted recyclables with solid waste. The hauler returned to compliance within the 30-day required timeframe. In 2014 through 2016, DNR staff responded to a small number of citizen

complaints about possible cases of landfilling of mixed recyclables and trash by haulers, or the lack of recycling at special events. DNR resolved the complaints through visits, letters, or other communication to the hauler rather than issuing a notice of noncompliance.

Municipal and County Recycling Grant Program

The municipal and county recycling grant program was created in 1989 Wisconsin Act 335 to provide financial assistance to responsible units for eligible recycling expenses.

Appropriations

The municipal and county recycling grant program was appropriated \$19,000,000 annually in 2011-12 through 2014-15. It was appropriated \$18,000,000 in 2015-16, and \$19,000,000 beginning in 2016-17. Table 4 shows annual appropriations for the program from 1990-91 through 2016-17.

Beginning in 2011-12, for calendar year 2012, through 2016-17, for calendar year 2017, \$1,000,000 annually was appropriated for recycling consolidation grants. The voluntary program provides a per capita grant to responsible units that are counties, Indian tribes, single or consolidated municipalities with a population of 25,000 or more, or municipalities that have taken certain actions to consolidate recycling programs. Funding for the recycling consolidation grant program is included in Table 4. The program is described in a later section.

Beginning in 2002-03, for calendar year 2003, through 2008-09, for calendar year 2009, \$1,900,000 annually was appropriated for recycling efficiency incentive grants. This is included in Table 4. The voluntary program provided addi-

tional recycling program grants for responsible units that consolidate, enter into cooperative agreements with other responsible units, or enact other efficiencies. No funds were appropriated for the program in 2009-10 and 2010-11, and the program was repealed in the 2011-13 biennial budget act.

Ten percent of funds available for 1994 through 1999 basic grants were allocated for supplemental grants for responsible units that imposed volume-based fees for residential solid waste collection. The supplemental grant was calculated by dividing the available funds by the population subject to volume-based fees in the responsible units that imposed volume-based fees for residential solid waste collection.

Eligibility for Grant Awards

Responsible units with DNR-approved effective recycling programs are eligible for grants under the municipal and county recycling grant program. Eligible uses of grant funds include expenses for planning, constructing or operating one or more of the components of an effective recycling program, or to comply with the 1993 yard waste ban. Eligible capital expenses include annual depreciation, or equipment on an hourly use basis.

Responsible units are required to submit an application, with estimated net eligible recycling costs, by October 1 for a grant for the following calendar year. DNR pays the grant award by June 1 of the calendar grant year.

Past Grant Formula Provisions. In 1990 (fiscal year 1990-91), the first year grants were awarded under the municipal and county grant program, grants for the period from July 1, 1990, through December 31, 1991, were allocated through a special expedited process.

Grants for 1991 through 1999 were allocated based on a complex formula based on eligible expenses, "avoided disposal costs," and other fac-

Table 4: Municipal and County Recycling Grant, Efficiency Incentive Grant, and Consolidation Grant Programs: Appropriation Levels 1990-91 Through 2016-17

| Calendar Year | Fiscal Year | Municipal and County Recycling Grant Appropriation | Efficiency Incentive or Recycling Consolidation Grant Appropriation | Total Appropriation Amount |
|------------------------------|-------------|--|---|----------------------------|
| July 1, 1990 to Dec 31, 1991 | 1990-91 | \$18,500,000 | \$0 | \$18,500,000 |
| 1992 | 1991-92 | 18,500,000 | 0 | 18,500,000 |
| 1993 | 1992-93 | 23,800,000 | 0 | 23,800,000 |
| 1994 | 1993-94 | 29,849,200 | 0 | 29,849,200 |
| 1995 | 1994-95 | 29,200,000 | 0 | 29,200,000 |
| 1996 | 1995-96 | 29,200,000 | 0 | 29,200,000 |
| 1997 | 1996-97 | 29,200,000 | 0 | 29,200,000 |
| 1998 | 1997-98 | 24,000,000 | 0 | 24,000,000 |
| 1999 | 1998-99 | 24,000,000 | 0 | 24,000,000 |
| 2000 | 1999-00 | 24,500,000 | 0 | 24,500,000 |
| 2001 | 2000-01 | 24,500,000 | 0 | 24,500,000 |
| 2002 | 2001-02 | 24,500,000 | 0 | 24,500,000 |
| 2003 | 2002-03 | 24,500,000 | 1,900,000 | 26,400,000 |
| 2004 | 2003-04 | 24,500,000 | 1,900,000 | 26,400,000 |
| 2005 | 2004-05 | 24,500,000 | 1,900,000 | 26,400,000 |
| 2006 | 2005-06 | 24,500,000 | 1,900,000 | 26,400,000 |
| 2007 | 2006-07 | 24,500,000 | 1,900,000 | 26,400,000 |
| 2008 | 2007-08 | 31,000,000 | 1,900,000 | 32,900,000 |
| 2009 | 2008-09 | 31,000,000* | 1,900,000* | 32,900,000 |
| 2010 | 2009-10 | 31,098,100* | 0 | 31,098,100 |
| 2011 | 2010-11 | 32,098,100* | 0 | 32,098,100 |
| 2012 | 2011-12 | 19,000,000 | 1,000,000 | 20,000,000 |
| 2013 | 2012-13 | 19,000,000 | 1,000,000 | 20,000,000 |
| 2014 | 2013-14 | 19,000,000 | 1,000,000 | 20,000,000 |
| 2015 | 2014-15 | 19,000,000 | 1,000,000 | 20,000,000 |
| 2016 | 2015-16 | 18,000,000 | 1,000,000 | 19,000,000 |
| 2017 | 2016-17 | <u>19,000,000</u> | <u>1,000,000</u> | <u>20,000,000</u> |
| Total | | \$660,445,400 | \$19,300,000 | \$679,745,400 |

*DNR awarded less than the appropriated amount to meet part of the Department's obligation to transfer funds to the state's general fund under deficit-reduction requirements of 2007-09 and 2009-11 legislation. DNR awarded \$29.3 million in 2008-09 (\$27.8 million for basic grants and \$1.5 million for recycling efficiency grants), \$29.3 million in 2009-10, and \$19.0 million in 2010-11.

tors. Avoided disposal costs are those costs that are not incurred by the responsible unit because material is recycled rather than disposed of by landfilling or incineration (such as landfill tipping fees).

The basic grant award in 1999, the last year

the formula was used, was determined by first calculating 66% of eligible expenses minus avoided disposal costs, and \$8 per capita, and determining which of the two amounts was less. The second step was to compare this amount with 33% of eligible expenses. The responsible unit received the greater of the two amounts deter-

mined in the second step. Third, counties that are responsible units for at least 75% of the county's population were guaranteed a minimum annual grant of \$100,000 if they had eligible expenses equal to or greater than that amount. The final step was to prorate all grant awards by an equal percentage (after providing the minimum \$100,000 grants to certain counties) to meet available funding.

1999 Wisconsin Act 9 changed the grant formula for 2000 and subsequent grant years. The Legislature enacted a change to a per capita based grant formula. However, as a result of the Governor's partial veto, the formula was changed to a proportional distribution based on 1999 awards.

In order to be eligible for a grant in 2000, a responsible unit had to have received financial assistance in 1999 and DNR had to have determined that the responsible unit has an effective recycling program. In 2000, 11 responsible units applied for and did not receive grants because they did not receive a grant in 1999.

Current Grant Formula. Beginning in the 2001 grant year through the 2017 grant year, responsible units receive a grant equal to the same percentage of the total grant funding as the responsible unit received, or would have received, in 1999. For example, if a responsible unit received 1% of the total grant funds in 1999, the responsible unit receives 1% of the total grant funds in 2016.

Late applications receive a reduced grant as follows: (a) 95% of the awarded amount if submitted between October 2 and October 10; (b) 90% if submitted between October 11 and October 20; (c) 75% if submitted between October 21 and October 30; and (d) no grant if submitted after October 30. A submittal is considered made by the date the application is submitted online or the postmark date if mailed.

Grant Awards. For the 26 grant periods through 2016 (2015-16 grants), Table 5 shows the number of responsible units of government eligible for awards, the total award amount, and the average award per capita. Table 5 includes information about both the basic grants, supplemental grants in 1994 through 1999, recycling efficiency incentive grants between 2003 and 2011, and recycling consolidation grants in 2012 through 2016.

Awards as a Percent of Recycling Costs. Table 6 shows the total state grant award as a percent of the net eligible recycling costs. In 1992, the first year of the grant formula, grant awards averaged 52% of net eligible recycling costs. The award as a percent of costs decreased in subsequent years to an estimated 15.9% in 2016. (Net eligible recycling costs were not calculated in the first grant cycle, which covered 1990 and 1991.)

2016 Award Characteristics

In 2015-16, for calendar year 2016, DNR issued awards in May of 2016 totaling \$18,000,000 for basic municipal and county recycling grants and \$1,000,000 for recycling consolidation grants. While the 2016 combined basic plus consolidation grant awards averaged 15.9% of the estimated \$119.7 million in net eligible recycling costs, the award as a percentage of net eligible recycling costs varied considerably for individual responsible units.

The 2016 basic grant amount was calculated as the same percentage of the 2016 award amount of \$18.0 million as the responsible unit received or would have received of the 1999 appropriation of \$24,000,000. The actual grant amount for each responsible unit was capped by the projected net eligible recycling costs for the responsible unit, and was reduced by any late application penalty. The recycling consolidation grant amount was calculated by adding the population of all eligible responsible units, and dividing the \$1,000,000 recycling consolidation grant appropriation by

Table 5: Summary of Municipal and County Recycling Grant Amounts

| Calendar Year | Number of Grantees (1) | Net Eligible Recycling Costs (2) | Actual Award Amount | Average Per Capita Award Amount |
|----------------------|------------------------|----------------------------------|---------------------|---------------------------------|
| 1990/1991 final | 1,860 (3) | NA | \$18,500,000 | \$3.77 |
| 1992 final | 870 | \$35,588,600 | 18,452,200 | 4.07 |
| 1993 final | 941 | 48,520,200 | 23,741,300 | 4.98 |
| 1994 final Basic | 1,001 | 56,520,200 | 26,860,700 | 5.44 |
| Supplemental | <u>211</u> | <u>NA</u> | <u>2,943,900</u> | <u>10.50</u> |
| Total | 1,001 | 56,520,200 | 29,804,500 | 6.04 |
| 1995 final Basic | 1,010 | 61,023,800 | 26,182,500 | 5.21 |
| Supplemental | <u>283</u> | <u>NA</u> | <u>2,914,100</u> | <u>6.92</u> |
| Total | 1,010 | 61,023,800 | 29,096,600 | 5.80 |
| 1996 final Basic | 1,018 | 66,340,000 | 26,278,600 | 5.18 |
| Supplemental | <u>299</u> | <u>NA</u> | <u>2,915,900</u> | <u>5.89</u> |
| Total | 1,018 | 66,340,000 | 29,194,500 | 5.75 |
| 1997 final Basic | 1,016 | 68,842,900 | 26,268,900 | 5.13 |
| Supplemental | <u>290</u> | <u>NA</u> | <u>2,917,900</u> | <u>5.84</u> |
| Total | 1,016 | 68,842,900 | 29,186,800 | 5.71 |
| 1998 final Basic | 1,018 | 71,442,200 | 21,440,200 | 4.15 |
| Supplemental | <u>292</u> | <u>NA</u> | <u>2,417,900</u> | <u>4.38</u> |
| Total | 1,018 | 71,442,200 | 23,858,100 | 4.61 |
| 1999 final Basic | 1,011 | 73,262,600 | 21,731,500 | 4.18 |
| Supplemental | <u>296</u> | <u>NA</u> | <u>2,397,900</u> | <u>4.13</u> |
| Total | 1,011 | 73,262,600 | 24,129,400 | 4.64 |
| 2000 final Total | 999 | 76,581,100 | 24,312,500 | 4.66 |
| 2001 final Total | 1,011 | 84,124,200 | 24,276,700 | 4.59 |
| 2002 final Total | 1,016 | 82,624,400 | 24,387,500 | 4.53 |
| 2003 final Basic | 1,016 | 84,426,600 | 24,404,900 | 4.50 |
| Efficiency Incentive | <u>110</u> | <u>NA</u> | <u>1,900,000</u> | <u>0.71</u> |
| Total | 1,016 | 84,426,600 | 26,304,900 | 4.84 |
| 2004 final Basic | 1,013 | 85,661,000 | 24,383,300 | 4.48 |
| Efficiency Incentive | <u>77</u> | <u>NA</u> | <u>1,900,000</u> | <u>0.74</u> |
| Total | 1,013 | 85,661,000 | 26,283,300 | 4.83 |
| 2005 final Basic | 1,010 | 90,136,100 | 24,409,700 | 4.43 |
| Efficiency Incentive | <u>148</u> | <u>NA</u> | <u>1,898,200</u> | <u>0.66</u> |
| Total | 1,010 | 90,136,100 | 26,307,900 | 4.78 |
| 2006 final Basic | 1,012 | 93,952,900 | 24,435,000 | 4.40 |
| Efficiency Incentive | <u>120</u> | <u>NA</u> | <u>1,900,000</u> | <u>0.71</u> |
| Total | 1,012 | 93,952,900 | 26,335,000 | 4.74 |

Table 5: Summary of Municipal and County Recycling Grant Amounts (continued)

| Calendar Year | Number of Grantees (1) | Net Eligible Recycling Costs (2) | Actual Award Amount | Average Per Capita Award Amount |
|----------------------|------------------------|----------------------------------|----------------------|---------------------------------|
| 2007 final Basic | 1,008 | \$98,387,100 | \$24,414,600 | \$4.37 |
| Efficiency Incentive | <u>124</u> | <u>NA</u> | <u>1,900,000</u> | <u>0.70</u> |
| Total | 1,018 | 98,387,100 | 26,314,600 | 4.71 |
| 2008 final Basic | 1,018 | 99,118,900 | 30,787,900 | 5.47 |
| Efficiency Incentive | <u>227</u> | <u>NA</u> | <u>1,900,000</u> | <u>0.65</u> |
| Total | 1,018 | 99,118,900 | 32,687,900 | 5.81 |
| 2009 final Basic | 1,022 | 107,997,300 | 27,829,100 (4) | 4.92 |
| Efficiency Incentive | <u>161</u> | <u>NA</u> | <u>1,500,000 (4)</u> | <u>0.56</u> |
| Total | 1,022 | 107,997,300 | 29,329,100 | 5.18 |
| 2010 final Basic | 1,025 | 104,028,700 | 29,294,200 (4) | 5.16 |
| Efficiency Incentive | <u>0</u> | <u>NA</u> | <u>0</u> | <u>0.00</u> |
| Total | 1,025 | 104,028,700 | 29,294,200 | 5.16 |
| 2011 final Basic | 1,020 | 103,514,700 | 18,954,000 (4) | 3.34 |
| Efficiency Incentive | <u>0</u> | <u>NA</u> | <u>0</u> | <u>0.00</u> |
| Total | 1,020 | 103,514,700 | 18,954,000 | 3.34 |
| 2012 final Basic | 1,026 | 105,885,200 | 19,000,000 | 3.34 |
| Consolidation | <u>186</u> | <u>NA</u> | <u>1,000,000</u> | <u>0.27</u> |
| Total | 1,026 | 105,885,200 | 20,000,000 | 3.52 |
| 2013 final Basic | 1,020 | 109,311,000 | 18,996,900 | 3.34 |
| Consolidation | <u>193</u> | <u>NA</u> | <u>1,000,000</u> | <u>0.26</u> |
| Total | 1,020 | 109,310,000 | 19,996,900 | 3.52 |
| 2014 final Basic | 1,024 | 112,172,800 | 19,000,000 | 3.32 |
| Consolidation | <u>203</u> | <u>NA</u> | <u>1,000,000</u> | <u>0.26</u> |
| Total | 1,024 | 112,172,800 | 20,000,000 | 3.50 |
| 2015 final Basic | 1,027 | 116,717,400 | 19,000,000 | 3.34 |
| Consolidation | <u>201</u> | <u>NA</u> | <u>1,000,000</u> | <u>0.26</u> |
| Total | 1,027 | 116,717,400 | 20,000,000 | 3.49 |
| 2016 award Basic | 1,024 | 119,671,900 | 18,000,000 | 3.15 |
| Consolidation | <u>193</u> | <u>NA</u> | <u>1,000,000</u> | <u>0.26</u> |
| Total | 1,024 | 119,671,900 | 19,000,000 | 3.33 |

NA: Not applicable

(1) All grantees that received a supplemental grant in 1994 through 1999, an efficiency incentive grant in 2003 through 2009, or a consolidation grant in 2012 through 2016, first received a basic grant.

(2) For final grants, this equals the lesser of the actual net eligible recycling costs and the net eligible recycling costs that were estimated at the time of the initial grant award.

(3) This equals the 1990 total of 1,849 municipalities plus 11 Indian tribes. Since the first expedited grant installment was made to all municipalities and Indian tribes, and subsequent installments only to responsible units, this is the maximum number of units that received any of the expedited grant installments.

(4) DNR awarded less than the appropriated amount to meet part of the Department's obligation to transfer funds to the state's general fund under deficit-reduction requirements of 2007-09 and 2009-11 legislation.

Table 6: Municipal and County Recycling Grants: Eligible Cost, Grant Award and Award as Percent of Costs (\$ in Millions)

| Calendar Year | Net Eligible Recycling Costs | Award* Amount | Grant Award as % of Net Eligible Costs |
|---------------|------------------------------|---------------|--|
| 1992 | \$35.6 | \$18.5 | 52.0% |
| 1993 | 48.5 | 23.7 | 48.9 |
| 1994 | 56.5 | 29.8 | 52.7 |
| 1995 | 61.0 | 29.1 | 47.7 |
| 1996 | 66.3 | 29.2 | 44.0 |
| 1997 | 68.8 | 29.2 | 42.4 |
| 1998 | 71.4 | 23.9 | 33.5 |
| 1999 | 73.3 | 24.1 | 32.9 |
| 2000 | 76.6 | 24.3 | 31.7 |
| 2001 | 84.1 | 24.3 | 28.9 |
| 2002 | 82.6 | 24.3 | 29.4 |
| 2003 | 84.4 | 26.3 | 31.2 |
| 2004 | 85.7 | 26.4 | 30.8 |
| 2005 | 90.1 | 26.3 | 29.2 |
| 2006 | 94.0 | 26.3 | 28.0 |
| 2007 | 98.4 | 26.3 | 26.7 |
| 2008 | 99.1 | 32.7 | 33.0 |
| 2009 | 108.0 | 29.3 | 27.2 |
| 2010 | 104.0 | 29.3 | 28.2 |
| 2011 | 103.5 | 19.0 | 18.3 |
| 2012 | 105.9 | 20.0 | 18.9 |
| 2013 | 109.3 | 20.0 | 18.3 |
| 2014 | 112.2 | 20.0 | 17.8 |
| 2015 | 116.7 | 20.0 | 17.1 |
| 2016** | 119.7 | 19.0 | 15.9 |

*In the 2003 through 2011 grant years, includes basic grant plus efficiency incentive grant. As of 2012, includes basic grant plus consolidated grant.

**Estimated net eligible recycling costs.

that population total, to reach a per capita consolidation grant amount of \$0.26.

For the 2016 grant year, Tables 7 through 14 show the distribution of grant awards in several different ways and include the population represented by the responsible units receiving those awards, the net eligible recycling costs, the total grant award, the average per capita grant award, and the grant award as a percent of net eligible recycling costs.

Table 7 shows the distribution of 2016 basic plus consolidated grant awards by type of local government unit. While 58% of the responsible units were towns, towns represented 15.8% of the population of responsible units that received grant awards and 10.9% of the total grant award dollars. Responsible units that are cities represented 45.2% of the population and 47.8% of the total grant award dollars. While the statewide average award as a percent of the net eligible recycling costs was 15.9% and the average award per capita was \$3.33, these measurements varied by responsible unit.

Most of the responsible unit grant recipients had populations under 2,500. As shown in the Table 8 distribution by population size, the 732 responsible units with populations under 2,500 represented 71.4% of the responsible units that received grants, 13.1% of the population served through the grants and 11.2% of the total grant award dollars in 2016. In comparison, six responsible units with populations of 100,000 or greater represented 0.6% of the responsible units, but included 26.7% of the population that received grants and 28.3% of the total grant award dollars in 2016.

Table 9 lists the number and total dollar amount of 2016 recycling grant awards received by the size of the award and includes the population represented within each category. Table 9 shows that 637 grant awards, totaling \$1,235,938, were less than \$5,000 each, and were made to responsible units representing a total population of 629,450. These grants represent approximately 11.0% of the population of grantees and 6.5% of the awarded grant dollars. Four grant awards were each \$500,000 or larger, totaling \$4,507,362, and were made to approximately 23.1% of the population served, with approximately 23.7% of the grant dollars awarded in 2016.

Table 7: 2016 Municipal and County Recycling Grants to Responsible Units (RUs) by Governmental Unit Type

| Type | Number of RUs | Population | Net Eligible Recycling Costs | Combined Basic Plus Consolidated Grant Award | Average Per Capita Grant Award | Average Award as a % of Net Eligible Recycling Costs |
|--------------|---------------|---------------|------------------------------|--|--------------------------------|--|
| Town | 592 | 901,451 | \$16,409,461 | \$2,078,091 | \$2.31 | 12.7% |
| Village | 247 | 729,449 | 19,276,289 | 2,078,813 | 2.85 | 10.8 |
| City | 130 | 2,581,951 | 61,229,794 | 9,090,334 | 3.52 | 14.8 |
| County | 34 | 1,430,937 | 20,916,167 | 5,474,892 | 3.83 | 26.2 |
| Indian Tribe | 10 | 21,148 | 1,169,716 | 150,443 | 7.11 | 12.9 |
| Other | <u>11</u> | <u>43,681</u> | <u>670,486</u> | <u>127,412</u> | 2.92 | 19.0 |
| Total | 1,024 | 5,708,617 | \$119,671,913 | \$18,999,985 | \$3.33 | 15.9% |

Table 8: 2016 Municipal and County Recycling Grants to Responsible Units (RUs) by Population Size

| Population | Number of RUs | Population | Net Eligible Recycling Costs | Combined Basic Plus Consolidation Grant Award | Average Per Capita Grant Award | Average Award as a % of Net Eligible Recycling Costs |
|------------------|---------------|------------------|------------------------------|---|--------------------------------|--|
| Less than 2,500 | 732 | 747,027 | \$16,882,889 | \$2,129,411 | \$2.85 | 12.6% |
| 2,500 to 4,999 | 121 | 423,383 | 9,042,199 | 1,239,830 | 2.93 | 13.7 |
| 5,000 to 9,999 | 70 | 503,320 | 11,268,246 | 1,586,600 | 3.15 | 14.1 |
| 10,000 to 24,999 | 59 | 916,616 | 20,772,319 | 3,134,228 | 3.42 | 15.1 |
| 25,000 to 49,999 | 27 | 975,043 | 16,935,303 | 3,396,515 | 3.48 | 20.1 |
| 50,000 to 99,999 | 9 | 617,577 | 10,602,255 | 2,130,145 | 3.45 | 20.1 |
| 100,000 and over | <u>6</u> | <u>1,525,651</u> | <u>34,168,702</u> | <u>5,383,256</u> | 3.53 | 15.8 |
| Total | 1,024 | 5,708,617 | \$119,671,913 | \$18,999,985 | \$3.33 | 15.9% |

Table 9: 2016 Municipal and County Recycling Grants to Responsible Units (RUs) by Amount of Award

| Award Amount | Number of RUs | Population | Net Eligible Recycling Costs | Combined Basic Plus Consolidated Grant Award | Average Per Capita Grant Award | Average Award as a % of Net Eligible Recycling Costs |
|--------------------|---------------|------------------|------------------------------|--|--------------------------------|--|
| \$1 - \$4,999 | 637 | 629,450 | \$10,687,043 | \$1,235,938 | \$1.96 | 11.6% |
| \$5,000 to \$9,999 | 170 | 433,286 | 9,792,451 | 1,226,982 | 2.83 | 12.5 |
| 10,000 to 24,999 | 102 | 596,224 | 15,217,330 | 1,634,326 | 2.74 | 10.7 |
| 25,000 to 49,999 | 36 | 397,513 | 9,509,932 | 1,230,820 | 3.10 | 12.9 |
| 50,000 to 99,999 | 46 | 820,342 | 16,601,377 | 3,388,641 | 4.13 | 20.4 |
| 100,000 to 499,999 | 29 | 1,514,165 | 29,383,043 | 5,775,915 | 3.81 | 19.7 |
| 500,000 and over | <u>4</u> | <u>1,317,637</u> | <u>28,480,737</u> | <u>4,507,362</u> | 3.42 | 15.8 |
| Total | 1,024 | 5,708,617 | \$119,671,913 | \$18,999,985 | \$3.33 | 15.9% |

Table 10: 2016 Municipal and County Recycling Grants to Responsible Units (RUs) by Award Per Capita

| Award Per Capita | Number of RUs | Population | Net Eligible Recycling Costs | Combined Basic Plus Consolidated Grant Award | Average Per Capita Grant Award | Average Award as a % of Net Eligible Recycling Costs |
|------------------|---------------|---------------|------------------------------|--|--------------------------------|--|
| \$0.01 to \$0.99 | 109 | 204,716 | \$1,972,455 | \$142,160 | \$0.69 | 7.2% |
| 1.00 to 1.99 | 242 | 617,905 | 10,498,018 | 946,162 | 1.53 | 9.0 |
| 2.00 to 2.99 | 239 | 1,114,241 | 19,689,059 | 2,832,297 | 2.54 | 14.4 |
| 3.00 to 3.99 | 242 | 2,902,205 | 67,117,706 | 10,249,662 | 3.53 | 15.3 |
| 4.00 to 5.99 | 127 | 640,792 | 12,259,908 | 3,017,751 | 4.71 | 24.6 |
| 6.00 to 7.99 | 47 | 175,983 | 5,337,076 | 1,185,649 | 6.74 | 22.2 |
| 8.00 to 9.99 | 7 | 30,915 | 1,356,019 | 263,873 | 8.54 | 19.5 |
| 10.00 and over | <u>11</u> | <u>21,860</u> | <u>1,441,672</u> | <u>362,432</u> | 16.58 | 25.1 |
| Total | 1,024 | 5,708,617 | \$119,671,913 | \$18,999,985 | \$3.33 | 15.9% |

Table 11: 2016 Municipal and County Recycling Grants to Responsible Units (RUs) by Award as a Percent of Net Eligible Recycling Costs

| Award as % of Net Eligible Recycling Costs | Number of RUs | Population | Net Eligible Recycling Costs | Combined Basic Plus Consolidated Grant Award | Average Per Capita Grant Award | Average Award as a % of Net Eligible Recycling Costs |
|--|---------------|----------------|------------------------------|--|--------------------------------|--|
| 0.1% to 9.99% | 291 | 1,102,008 | \$37,435,598 | \$2,869,167 | \$2.60 | 7.7% |
| 10 to 19.99 | 419 | 2,732,262 | 59,312,949 | 8,932,515 | 3.27 | 15.1 |
| 20 to 29.99 | 176 | 908,359 | 13,951,792 | 3,309,102 | 3.64 | 23.7 |
| 30 to 39.99 | 61 | 552,708 | 5,451,908 | 1,923,456 | 3.48 | 35.3 |
| 40 to 49.99 | 36 | 174,179 | 2,154,558 | 964,773 | 5.54 | 44.8 |
| 50 to 59.99 | 16 | 35,792 | 261,093 | 134,827 | 3.77 | 51.6 |
| 60 to 100 | <u>25</u> | <u>203,309</u> | <u>1,104,015</u> | <u>866,144</u> | 4.26 | 78.5 |
| Total | 1,024 | 5,708,617 | \$119,671,913 | \$18,999,985 | \$3.33 | 15.9% |

Table 10 shows that the distribution of grants by per capita category varied among responsible units. Approximately 34.3% of the grantees, with 14.4% of the total grantee population, received awards that averaged less than \$2 per capita, with awards averaging 8.7% of total net eligible recycling costs. In comparison, 18 responsible units, with 0.9% of the total grantee population, received awards that averaged \$8 and over per capita, with these awards averaging 22.4% of the net eligible recycling costs of the 18 responsible units.

Table 11 shows the grant award as a percent of the net eligible recycling costs. The award as a percent of net eligible recycling costs varied widely, ranging from 1% to 100% of net eligible

recycling costs. In the group of 25 responsible units that had awards that averaged 60% or more of net eligible costs, the per capita award ranged from \$0.38 to \$17. Six of the 25 responsible units received awards equaling 100% of net eligible recycling costs. The variation in the award as a percent of net eligible cost is due to factors such as what activities responsible units choose to include in their recycling program, what activities responsible units included in 1999 when the current formula was created (since 1999, responsible units have received the same percentage of the total grant as they received in 1999), the costs of various curbside collection or drop-off collection program components, and the costs of transportation of collection activities in densely or sparsely populated responsible units.

Table 12: 2016 Municipal and County Recycling Grants to Responsible Units (RUs) - Largest 68 Grant Awards Includes All Awards of \$60,000 or Greater

| Municipality/County | Population | Net Eligible Recycling Costs | Combined Basic Plus Consolidated Grant Award | Per Capita Grant Award | Award as a % of Net Eligible Recycling Costs |
|---------------------|------------|------------------------------|--|------------------------|--|
| Milwaukee, City | 595,787 | \$11,777,187 | \$2,206,512 | \$3.70 | 18.7% |
| Waukesha, County | 279,902 | 7,067,245 | 992,735 | 3.55 | 14.0 |
| Madison, City | 242,216 | 8,086,652 | 765,263 | 3.16 | 9.5 |
| Outagamie, County | 199,732 | 1,549,653 | 542,852 | 2.72 | 35.0 |
| Eau Claire, County | 102,963 | 1,204,545 | 462,932 | 4.50 | 38.4 |
| Green Bay, City | 105,051 | 4,483,420 | 412,962 | 3.93 | 9.2 |
| Kenosha, City | 99,623 | 1,252,051 | 369,615 | 3.71 | 29.5 |
| Racine, City | 78,336 | 2,735,737 | 300,150 | 3.83 | 11.0 |
| West Allis, City | 60,329 | 1,585,679 | 241,535 | 4.00 | 15.2 |
| Oshkosh, City | 66,451 | 1,032,896 | 226,089 | 3.40 | 21.9 |
| Janesville, City | 63,510 | 995,677 | 215,379 | 3.39 | 21.6 |
| Portage, County | 62,624 | 1,101,036 | 209,780 | 3.35 | 19.1 |
| Chippewa, County | 58,610 | 664,163 | 207,636 | 3.54 | 31.3 |
| Manitowoc, City | 33,703 | 428,500 | 205,419 | 6.09 | 47.9 |
| Oconto, County | 38,147 | 458,808 | 197,249 | 5.17 | 43.0 |
| Neenah, City | 25,871 | 1,266,360 | 192,077 | 7.42 | 15.2 |
| Pierce, County | 42,240 | 649,290 | 191,444 | 4.53 | 29.5 |
| Saint Croix, County | 76,102 | 299,735 | 187,483 | 2.46 | 62.5 |
| Sheboygan, City | 48,806 | 1,220,616 | 184,100 | 3.77 | 15.1 |
| Wauwatosa, City | 46,947 | 872,669 | 176,949 | 3.77 | 20.3 |
| La Crosse, City | 51,992 | 935,281 | 172,477 | 3.32 | 18.4 |
| Waupaca, County | 41,586 | 595,518 | 164,579 | 3.96 | 27.6 |
| Polk, County | 44,167 | 419,528 | 151,750 | 3.44 | 36.2 |
| Dunn, County | 41,703 | 727,637 | 149,424 | 3.58 | 20.5 |
| Fond du Lac, City | 43,461 | 790,323 | 149,326 | 3.44 | 18.9 |
| Wausau, City | 39,063 | 614,855 | 140,362 | 3.59 | 22.8 |
| Monroe, County | 44,303 | 787,800 | 137,531 | 3.10 | 17.5 |
| Vernon, County | 30,370 | 648,105 | 135,251 | 4.45 | 20.9 |
| Columbia, County | 41,753 | 943,000 | 131,703 | 3.15 | 14.0 |
| Beloit, City | 36,792 | 864,784 | 131,133 | 3.56 | 15.2 |
| Greenfield, City | 36,473 | 684,030 | 118,339 | 3.24 | 17.3 |
| Vilas, County | 21,590 | 439,014 | 109,908 | 5.09 | 25.0 |
| West Bend, City | 31,599 | 681,986 | 103,335 | 3.27 | 15.2 |
| Fitchburg, City | 26,321 | 442,933 | 98,462 | 3.74 | 22.2 |
| Superior, City | 27,251 | 409,281 | 95,939 | 3.52 | 23.4 |
| Watertown, City | 23,864 | 1,138,059 | 94,191 | 3.95 | 8.3 |
| Richland, County | 17,208 | 199,927 | 93,919 | 5.46 | 47.0 |
| Buffalo, County | 10,795 | 227,901 | 93,854 | 8.69 | 41.2 |
| Allouez, Village | 13,790 | 520,975 | 93,704 | 6.80 | 18.0 |
| De Pere, City | 24,447 | 611,894 | 92,993 | 3.80 | 15.2 |
| Adams, County | 18,857 | 181,229 | 92,219 | 4.89 | 50.9 |
| Oak Creek, City | 34,791 | 689,516 | 89,837 | 2.58 | 13.0 |
| Taylor, County | 16,242 | 343,291 | 84,349 | 5.19 | 24.6 |
| Barron, County | 34,673 | 360,169 | 84,207 | 2.43 | 23.4 |
| Iron, County | 5,925 | 101,787 | 83,831 | 14.15 | 82.4 |

Table 12: 2016 Municipal and County Recycling Grants to Responsible Units (RUs) - Largest 65 Grant Awards Includes All Awards of \$60,000 or Greater (continued)

| Municipality/County | Population | Net Eligible Recycling Costs | Combined Basic Plus Consolidated Grant Award | Per Capita Grant Award | Award as a % of Net Eligible Recycling Costs |
|-------------------------------------|---------------|------------------------------|--|------------------------|--|
| Burnett, County | 15,213 | \$92,596 | \$83,245 | \$5.47 | 89.9% |
| Waushara, County | 23,699 | 231,166 | 82,923 | 3.50 | 35.9 |
| Door, County | 28,175 | 401,600 | 82,505 | 2.93 | 20.5 |
| Jackson, County | 20,327 | 185,400 | 80,728 | 3.97 | 43.5 |
| Washburn, County | 15,915 | 97,464 | 79,295 | 4.98 | 81.4 |
| Two Rivers, City | 11,593 | 343,722 | 78,808 | 6.80 | 22.9 |
| Forest, County | 9,287 | 106,248 | 77,559 | 8.35 | 73.0 |
| South Milwaukee, City | 21,142 | 460,726 | 77,179 | 3.65 | 16.8 |
| Florence, County | 4,474 | 78,997 | 76,298 | 17.05 | 96.6 |
| Menominee, County | 4,244 | 155,500 | 76,238 | 17.96 | 49.0 |
| Menomonee Falls, Village | 35,928 | 510,500 | 76,219 | 2.12 | 14.9 |
| Marquette, County | 14,370 | 79,008 | 75,143 | 5.23 | 95.1 |
| Weston, Village | 15,931 | 357,525 | 74,783 | 4.69 | 20.9 |
| Rusk, County | 13,326 | 71,438 | 71,438 | 5.36 | 100.0 |
| Monroe, City | 10,768 | 389,800 | 70,510 | 6.55 | 18.1 |
| Wisconsin Rapids, City | 18,577 | 479,427 | 68,687 | 3.70 | 14.3 |
| Ashwaubenon, Village | 16,940 | 454,512 | 68,614 | 4.05 | 15.1 |
| Oneida, County | 27,081 | 201,700 | 67,680 | 2.50 | 33.6 |
| Menasha, City | 17,633 | 667,613 | 66,860 | 3.79 | 10.0 |
| Franklin, City | 35,655 | 484,948 | 65,995 | 1.85 | 13.6 |
| Pepin, County | 8,191 | 82,759 | 64,028 | 7.82 | 77.4 |
| Cudahy, City | 18,250 | 542,267 | 63,477 | 3.48 | 11.7 |
| Whitefish Bay, Village | <u>14,243</u> | <u>419,857</u> | <u>60,523</u> | <u>4.25</u> | <u>14.4</u> |
| Largest Grants, \$60,000 or Greater | 3,486,928 | \$69,985,515 | \$13,069,519 | \$3.75 | 18.7% |
| Small Grants Less Than \$60,000 | 2,221,689 | \$49,686,398 | \$5,930,466 | \$2.67 | 11.9% |
| Statewide Total, 1,024 Grants | 5,708,617 | \$119,671,913 | \$18,999,985 | \$3.33 | 15.9% |
| 68 Largest Grants, % of Total | 61.1% | 58.5% | 68.8% | | |

Table 12 lists the 68 responsible units with grant awards of \$60,000 or greater for the 2016 grant year. These responsible units include 30 cities, 33 counties, and five villages. Grants to the 68 responsible units include 61.1% of the total grantee population and 68.8% of the total grant award dollars paid.

The grant award for the 68 responsible units as a percent of net eligible recycling costs varied

from 10% to 100%, depending on the 1999 grant amount and estimated net eligible costs.

Recycling Consolidation Grant Program

In 2011 Wisconsin Act 32, a recycling consol-

idation grant program was created. The program has been appropriated \$1,000,000 annually 2011-12 through 2016-17 from the segregated environmental management account.

DNR is required to distribute the funds on a per capita basis to responsible units that operate effective recycling programs and meet one of the following criteria:

1. The responsible unit is a county.
2. The responsible unit is a federally recognized Indian tribe or band.
3. The responsible unit has a population of 25,000 or more and consists of one or more municipalities.
4. The responsible unit is not eligible under (1) through (3) above, but one of the following applies by October 1 in the year before the grant year: (a) the responsible unit consists of what had previously been at least two responsible units; or (b) the responsible unit enters into a cooperative agreement with another responsible unit for the joint provision of at least one of the following elements of an effective recycling program: (1) performing comprehensive program planning; (2) collecting and transporting recyclable materials; (3) sorting recyclable materials at a materials recovery facility; (4) developing and distributing education materials relating to waste reduction, reuse, and recycling; (5) carrying out a program of technical assistance to businesses and owners and occupants of multifamily dwellings to increase the availability and convenience of recycling; or (6) any other program element approved by DNR.

The sum of the recycling consolidation grant and basic grant for specific responsible units cannot exceed the amount of eligible recycling costs. Table 13 summarizes the recycling consolidation grants awarded in 2011-12 through 2015-16 by type of eligibility. Counties are listed only under

"County" if they have a population that exceeds 25,000, or could have also qualified through a cooperative agreement. Cities or villages with a population over 25,000 are only listed in that category if they could have also qualified through a cooperative agreement. The table also includes the number of responsible units that received recycling consolidation grants, total population of those responsible units, and the per capita award amount.

Electronics Recycling Program

DNR administers the electronics recycling program established under 2009 Wisconsin Act 50. DNR refers to the program as "E-Cycle Wisconsin." The program includes requirements for sales and recycling of covered electronic devices used by households, public K-12 schools, and private school choice program schools (covered schools). It also includes requirements for manufacturers, retailers, collectors, and recyclers of covered electronic devices. Covered electronic devices include televisions and computer monitors with a tube or screen at least seven inches at its longest diagonal measurement, computers, and printers.

Sale of Covered Electronic Devices

Since February 1, 2010, a manufacturer may only sell, offer to sell, or deliver to a retailer for subsequent sale, covered electronic devices to households or covered schools if the manufacturer labels the devices, recycles or arranges for recycling the devices, registers with DNR, pays annual registration fees, submits annual reports to DNR, finances and ensures the recycling of a certain amount of electronics annually, and pays shortfall fees if it recycles less than certain target amounts.

Beginning July 1, 2010, a retailer may only

Table 13: Recycling Consolidation Grants

| Eligibility Category | Number of RUs | Population | Award Amount |
|----------------------------|---------------|----------------|----------------|
| 2012 Grants | | | |
| County | 34 | 1,415,318 | \$375,354 |
| Indian Tribe | 10 | 21,148 | 5,609 |
| Population > 25,000 | 25 | 1,908,697 | 506,201 |
| Cooperative agreement | <u>117</u> | <u>425,464</u> | <u>112,836</u> |
| Total | 186 | 3,770,627 | \$1,000,000 |
| Per Capita grant = \$0.265 | | | |
| 2013 Grants | | | |
| County | 34 | 1,453,432 | \$381,054 |
| Indian Tribe | 10 | 21,148 | 5,544 |
| Population > 25,000 | 25 | 1,875,851 | 491,802 |
| Cooperative agreement | <u>124</u> | <u>463,810</u> | <u>121,600</u> |
| Total | 193 | 3,814,241 | \$1,000,000 |
| Per Capita grant = \$0.262 | | | |
| 2014 Grants | | | |
| County | 34 | 1,421,483 | \$371,109 |
| Indian Tribe | 10 | 21,148 | 5,507 |
| Population > 25,000 | 25 | 1,916,875 | 499,187 |
| Cooperative agreement | <u>134</u> | <u>476,915</u> | <u>124,197</u> |
| Total | 203 | 3,836,421 | \$1,000,000 |
| Per Capita grant = \$0.261 | | | |
| 2015 Grants | | | |
| County | 34 | 1,425,425 | \$371,877 |
| Indian Tribe | 10 | 21,148 | 5,517 |
| Population > 25,000 | 25 | 1,920,734 | 501,097 |
| Cooperative agreement | <u>132</u> | <u>465,752</u> | <u>121,509</u> |
| Total | 201 | 3,833,059 | \$1,000,000 |
| Per Capita grant = \$0.261 | | | |
| 2016 Grants | | | |
| County | 34 | 1,430,937 | \$374,760 |
| Indian Tribe | 10 | 21,148 | 5,539 |
| Population > 25,000 | 25 | 1,924,140 | 503,930 |
| Cooperative agreement | <u>124</u> | <u>442,047</u> | <u>115,772</u> |
| Total | 193 | 3,818,272 | \$1,000,000 |
| Per Capita grant = \$0.262 | | | |

sell or offer to sell a new covered electronic device to a household or covered school if the retailer determines that the brand of covered electronic device is on the DNR's Internet site list of registered manufacturers. If a manufacturer's registration is revoked or expires, the retailer may only sell the covered electronic device within 180 days after the revocation or expiration. A retailer is required to provide information to purchasers describing how eligible electronic devices can be collected and recycled, and a description of the ban on disposing of the devices in landfills or

incinerators.

Requirements for Manufacturers

The program defines manufacturers as any person who: (a) manufactures covered electronic devices to be sold under the person's own brand; (b) sells covered electronic devices manufactured by someone else under the person's own brand; or (c) licenses the person's brand for manufacture and sale of covered electronic devices by others.

Registration and Recycling Targets. Manufacturers are required to register with DNR annually by September 1. Manufacturers must include information in the registration about the brands and weight of covered electronic devices they sell in the state, the total weight of eligible electronic devices used by households or covered schools that were collected by or delivered to the manufacturer for recycling, and other required information.

From July 1, 2015, through June 30, 2016, 189 manufacturers submitted registrations of covered electronic devices in the fall of 2015. For the period July 1, 2016, through June 30, 2017, 164 manufacturers submitted registrations by September 1, 2016, and DNR anticipated there would be a small number of additional registrations.

A manufacturer is required to achieve a recycling target every year, that is, to achieve a specified amount of recycling of electronic devices, as determined by weight and a specified formula. A manufacturer is required to recycle 80% of the weight of covered electronic devices it sold to households and covered schools during the 12-month period two years earlier.

A manufacturer may recycle a broader category of "eligible electronic devices" to meet its recycling target. Eligible electronic devices include covered electronic devices (computers, printers, monitors, and televisions), plus devices used by households or covered schools that include computer peripherals (such as keyboards, external hard drives, flash drives, modems, mice, scanners, and speakers used with a computer), facsimile machines, digital video disc (DVD) players, video cassette recorders (VCR), and digital video recorders or players that do not use discs or cassettes. DNR is authorized to promulgate administrative rule changes to add or subtract types of electronic devices from the list of eligible electronic devices. As of the fall of 2016, DNR has not initiated such rule changes.

Manufacturers are subject to a forfeiture of not more than \$10,000 per violation of the electronics recycling statutes.

In DNR's report to the Legislature submitted in December, 2016, the Department reported that in 2016, DNR issued five notices of noncompliance to manufacturers who were not in compliance with program requirements. Four of the manufacturers came into compliance without further enforcement action and DNR determined the fifth had gone out of business.

Registration and Shortfall Fees and Credits. DNR is required to assess annual registration and shortfall fees to manufacturers. The fees are deposited in the environmental management account of the environmental fund, are only available for expenditure under an appropriation for DNR administration of the electronics recycling program, and cannot be used for other appropriations from the account.

A manufacturer is required to pay annual registration fees by September 1, based on the number of covered electronic devices it sold during the previous program year (July 1 to June 30). The fees include: (a) \$0, if less than 25 devices were sold; (b) \$1,250 if 25 to 249 devices were sold; and (c) \$5,000 if at least 250 devices were sold. DNR may promulgate an administrative rule to change the registration fee for manufacturers that sell at least 250 devices in the state annually. As of the fall of 2016, DNR had not initiated such rule changes.

In its annual report, the manufacturer is required to report on the weight of eligible electronic devices that it recycled during the prior program year. If the manufacturer does not meet its recycling target, that is, it recycles substantially fewer electronic devices than it sells, it must pay an annual shortfall fee to DNR.

Shortfall fees are calculated on a graduated scale determined by how short of the target recy-

cling weight the manufacturer's actual collections were. The fees are calculated by first subtracting the actual recycling weight from the target recycling weight. The manufacturer is allowed to multiply the total recycled weight that it recycled by 1.25 for eligible electronic devices that it collects in rural counties. This is intended to provide an incentive for manufacturers to collect eligible electronic devices for recycling in rural areas. The statutes designate 33 urban and 39 rural counties for purposes of the collection incentive.

The resulting number of pounds is used to calculate the shortfall fees as follows: (a) 50 cents per pound if the actual weight recycled is less than 50% of the target recycling weight; (b) 40 cents per pound if the actual weight recycled is at least 50% but not more than 90% of the target recycling weight; and (c) 30 cents per pound if the actual weight recycled is more than 90% and less than 100% of the target recycling weight.

Table 14 shows the amount of manufacturer registration and shortfall fees collected in 2009-10, the first year of the program, through 2015-16. In 2014-15, approximately 79 of 132 registered manufacturers paid registration fees totaling \$320,000. The registered manufacturers who did not pay fees were exempt from fees because they sold fewer than 25 units.

Table 14: Electronics Recycling Program -- Manufacturer Fees Collected

| Year | Registration Fees | Shortfall Fees | Total |
|----------|-------------------|----------------|-----------|
| 2009-10 | \$261,250 | \$0 | \$261,250 |
| 2010-11 | 270,000 | 0 | 270,000 |
| 2011-12 | 275,000 | 8,453 | 283,453 |
| 2012-13 | 310,000 | 19,210 | 329,210 |
| 2013-14 | 310,000 | 10,105 | 320,105 |
| 2014-15 | 320,000 | 9,472 | 329,472 |
| 2015-16* | 405,667 | 20,472 | 426,139 |

*2015-16 includes estimated revenues. As of December 1, 2016, DNR had not finalized actual amounts.

In 2015-16, approximately 108 of 189 registered manufacturers paid registration fees totaling an estimated \$405,700. In 2015-16, an estimated \$20,500 was received for shortfall fees from approximately 31 manufacturers assessed for the 2014-15 program year. As of December 1, 2016, DNR had not finalized 2015-16 revenues or expenditures.

A manufacturer earns a recycling credit if, for a program year, the weight of eligible electronic devices recycled exceeds the target recycling weight. The manufacturer would be entitled to a number of recycling credits equal to the number of excess pounds or 20% of the target recycling weight, whichever is less. During the three succeeding program years, the manufacturer could use the credits to help meet its recycling target during that time, or could sell the credits to another manufacturer. In the program year ending June 30, 2015, manufacturers earned recycling credits totaling almost 1.6 million pounds, and applied just over 1.6 million pounds to meet recycling targets. In the program year ending June 30, 2016, manufacturers earned recycling credits totaling almost 330,000 pounds and applied just over 1.0 million pounds to meet recycling targets. There were almost 3.0 million recycling credits available for manufacturers to use or sell to other manufacturers in years after June 30, 2016.

A manufacturer may submit, with its registration, a request for relief from the shortfall fee in that year. The manufacturer would have to submit information showing that it made good faith progress toward meeting its target recycling weight. If DNR determines that the manufacturer has made good faith progress toward meeting its target recycling weight, the Department would waive the shortfall fee. If not, DNR would notify the manufacturer, and the manufacturer would have to pay the shortfall fee within 60 days after receiving the notification. As of October, 2016, no manufacturers had submitted a request.

Requirements for Collectors and Recyclers

The program specifies that collectors are persons who receive electronic devices from households or covered schools and deliver them to recyclers. Recyclers accept electronics from collectors, households and schools, for the purpose of recycling.

Collectors and recyclers are required to register with DNR annually by August 1. Collectors are required to report to DNR the total weight of eligible electronic devices collected during the preceding program year, and the names of the recyclers to whom the collector delivered the electronic devices. Registered collectors and recyclers may not use prison labor to collect or recycle eligible electronic devices.

Registered recyclers are required to meet additional requirements. These relate to maintaining specified liability insurance, proof of financial responsibility, specific records, a contingency plan for responding to releases of hazardous substances, and compliance with federal, state, and local requirements for storing, transporting, processing, and exporting eligible electronic devices.

Collectors and recyclers are not subject to registration fees. DNR reported that 147 collectors and 20 recyclers were registered with DNR for the program year July 1, 2015, through June 30, 2016. As of October, 2016, 132 collectors and 20 recyclers had registered with DNR for the program year July 1, 2016, through June 30, 2017, and DNR anticipated there would be some additional registrations.

Between July 1, 2015, and June 30, 2016, registered collectors collected 32.4 million pounds of eligible electronics at 512 registered collection sites, including at 393 permanent and 119 temporary or event sites. Of the total amount collected, approximately 29.7 million pounds (92%) was from urban counties. Of the total amount collected in 2015-16, 61% of the weight collected was

televisions, 9% was computers, 7% was computer monitors, and 23% was other eligible electronics such as printers. For the first seven program years, a cumulative total of 223.6 million pounds of electronics was collected between January 1, 2010, and June 30, 2016.

DNR is authorized to audit, or contract for the audit of a registered collector or recycler. If the Department does so during the first three years in which the collector or recycler is registered, the collector or recycler is required to pay 25% of the cost of the audit. After the first three years, the collector or recycler will pay 50% of the cost of the audit. The costs paid by the collector or recycler will be deposited in the electronics recycling appropriation. As of the fall of 2016, DNR had not audited any registered collector or recycler.

Collectors and recyclers are subject to a forfeiture of not more than \$1,000 per violation.

In DNR's December, 2016, report, the Department stated that it inspected seven recyclers and 37 collection sites between July 1, 2015, and June 30, 2016.

DNR Administration

DNR is responsible for administration and collection of electronics recycling program fees, compliance and enforcement, and outreach. DNR is required to maintain an Internet site on which it lists the names of registered manufacturers, the names of brands of electronics listed in the manufacturers' registrations, and the names of registered collectors and recyclers.

DNR allocates 2.0 positions from the environmental management account to administer the electronics recycling program. One of the positions is appropriated in an environmental management account appropriation authorized to spend only any electronics registration and short-fall fees. The appropriation may spend all monies received from the fees, so the appropriation

amount is an estimate. The remaining position is appropriated through the DNR recycling administrative appropriation, which is funded from environmental management account revenues other than the electronics fees.

DNR utilizes the positions to coordinate the program, interpret policy, prepare guidance documents, develop administrative rules, manage and track registrations, manage annual reporting by entities regulated by the program, collect fees, prepare the annual legislative report required by statute, maintain a computer system for the program, provide outreach and technical assistance, perform enforcement and compliance, conduct inspections of registered recyclers and collectors, and perform public outreach. During the 2015-17 biennium, DNR also paid for two limited-term employees to increase retailer compliance, inspect registered collectors and recyclers, develop compliance and technical assistance materials, identify new types of electronics, and perform program evaluation. DNR also used electronics fee revenues to purchase national sales data related to sales and recycling of electronics, pay for informational technology improvements to reporting and registration, conduct a statewide household survey about electronics, perform public outreach about the law, and conduct a stakeholders meeting.

DNR is required to submit an annual report by December 1, beginning in 2012, to the Legislature and Governor, which includes specified information related to collection of electronic devices, information provided by manufacturers and recyclers under the program, information about disposal of eligible electronic devices in landfills, enforcement, and recommendations.

DNR submitted its first annual report in 2012, has submitted reports in December of each of 2013 through 2016. The report submitted in December, 2016, included the following information: (a) almost all manufacturers met or exceeded their recycling targets, with only a small

number paying a shortfall fee; (b) the vast majority of manufacturers, recyclers and collectors are complying with the law; (c) some Wisconsin residents are still putting electronics in the trash or illegally disposing of them; (d) there were registered collection sites in 63 of 72 counties; and (e) DNR has increased compliance assistance and enforcement measures.

In the 2016 report, DNR recommended to: (a) consider changing the annual program year to correspond to a calendar year rather than the state fiscal year; (b) eliminate registration fees for small manufacturers; (c) modify the definition of covered school to include all K-12 schools (currently K-12 public schools and private school choice schools); (d) modify the manufacturer target formula to be based on the total weight of electronics received for recycling in previous years; (e) modify the rural collection incentive formula to increase access to electronics collection in rural areas of the state; and (f) update and clarify definitions of electronics devices.

If the federal government enacts a law relating to the collection and recycling of covered electronic devices sold in the United States, DNR will be required to prepare a report describing the effect of the federal law and to submit it to the Legislature's standing committees with jurisdiction over solid waste policy. As of the fall of 2016, there have been no federal law changes related to the collection and recycling of electronic devices.

Department of Natural Resources Activities

DNR Recycling Staff

In 2016-17, DNR is authorized 20.4 positions from the segregated environmental management account for work on various recycling activities.

This includes the following:

1. The Bureau of Waste and Materials Management in the Division of Air, Waste and Remediation and Redevelopment is authorized 14.5 positions. Staff in the central office perform policy development, administrative, planning, evaluation, markets directory, data management, informational and educational functions. In 2016, regional staff functions were transferred to the central office to provide technical assistance and outreach to local governments on recycling, track and enforce compliance with conditions of approved effective recycling programs, and process applications for the municipal and county grant program. Regional staff provide support to central staff related to the functions transferred from the regions to the central office. In addition, regional staff provide plan review and technical assistance related to recycling facilities, and for solid waste facilities with a purpose related to recycling, such as facilities that process recyclable materials into usable products. Earlier sections of the paper describe DNR's responsibilities related to administration of compliance with effective program requirements. Of the 14.5 positions, 2.0 positions staff the electronics recycling program. One of the two positions is funded solely from electronics recycling revenues, and the other position is funded from undesignated environmental management account revenues.

2. The Bureau of Environmental Analysis and Sustainability is authorized 1.0 business sector specialist to work with communities and businesses to manage improved performance in business recycling.

3. Administration of the recycling grant programs is performed by 2.0 positions in the Bureau of Community Financial Assistance in the Division of Customer and Employee Services.

4. Recycling enforcement activities are performed by 2.4 positions in the Law Enforcement program. This is provided by allocating a portion

of the time of environmental wardens throughout the state. DNR regional recycling specialists also work on enforcement issues.

5. DNR also has accounting, purchasing and other financial management recycling-related responsibilities that are performed by 0.5 position.

Technical Assistance and Information

DNR is responsible for providing technical assistance and comprehensive public information. DNR is required to provide technical assistance to individuals, groups, businesses, state agencies, counties and municipalities in all aspects of recycling, with an emphasis on documents and material that is easy to read and understand by the general public. This includes: (a) providing information about how to perform a study related to the composition of solid waste; (b) maintaining current estimates of the amount of components of solid waste generated by categories of businesses, industries, municipalities and other governmental entities; (c) providing information about how to manage solid waste consistent with the state's solid waste management priorities; and (d) providing technical assistance to local recycling programs.

The Department is required to collect, prepare and disseminate information, and conduct educational and training programs that assist in the implementation of the solid waste management programs. The educational programs must inform the public of the relationship between an individual's consumption of goods and services, the generation of different types and quantities of solid waste and the implementation of the solid waste management priorities. DNR is also required to prepare educational programs on a statewide basis for the following audiences: (a) municipal, county and state officials and employees; (b) kindergarten through graduate students and teachers; (c) private solid waste scrap brokers, dealers and processors; (d) businesses that use or could use

recycled materials or that produce or could produce products from recycled materials and persons who serve or support these businesses; and (e) the general public.

During the 2015-17 biennium, DNR accomplished these responsibilities by focusing on several activities that are listed below:

1. Prepared, updated, and distributed fact sheets, newsletters, updates, and publications related to general recycling issues and specific types of recycling.

2. Continued to improve DNR Internet web sites to provide information about recycling programs, legislation, and grant opportunities.

3. Provided communication and education tools and resources to responsible units for distribution to their residents, businesses, and institutions.

4. Participated in an Internet-based green and healthy school program in partnership with the Wisconsin Department of Public Instruction and other entities by conducting workshops and conferences, and producing a monthly electronic newsletter.

5. Worked with businesses to increase recycling opportunities and use recycled materials in operations.

6. Worked with the UW-Extension Solid and Hazardous Waste Education Center and UW-Green Bay to maintain an online recycling markets database.

7. Developed recycling signs for use in efforts to increase recycling of light bulbs, batteries, pesticides, antifreeze and mercury-containing items.

8. Participated in and promoted the Wisconsin WRAP initiative (Wrap Recycling Action Program) to increase recycling of plastic film,

wrap, and bags in the state.

9. Worked with various associations, businesses, and local governments to increase recycling of bottles and rigid plastics.

10. Presented and exhibited at various conferences and fairs on issues such as general recycling and waste reduction, business and event recycling, plastic film recycling, composting, electronics, and open burning.

11. Worked with coordinators and solid waste haulers for several large special events to improve access to recycling by event participants and food vendors.

12. Developed and promoted recycling initiatives for monofilament fishing lines (fishing line made from a single fiber of plastic) and agricultural plastics.

13. Worked with the Department of Agriculture, Trade and Consumer Protection to develop a survey on paint management methods and costs.

Newspaper Recycled Content Target and Fees

Beginning in 1998, printers and publishers of newspapers and some shopper guides were required to use newsprint that averaged 33% or more of post-consumer recycled content. The percentage increased from 10% in 1992 (the first year it was required), during the following several years.

DNR was required to assess a newspaper recycling fee annually to the publisher of a newspaper that failed to meet the recycled content targets. Printers and publishers were required to report annually to DNR on their compliance with the requirements of the newspaper recycled content requirement. Fees totaling \$59,000 were paid for 1992 through 2011. DNR did not assess any fees after 2011. The fees were deposited in the environmental management account. DNR estimated that, in 2013, the statewide average recy-

cluded content was 25.6%.

Under 2015 Wisconsin Act 7, the newsprint recycled requirement and fee were eliminated.

Council on Recycling

The Council on Recycling was statutorily created in 1989 as a part-time advisory body appointed by the Governor to promote the efficient and prompt implementation of state programs relating to solid waste reduction, recovery and recycling and to advise and assist state and local agencies in the coordination of these programs and the exchange of information related to these activities. There are seven Council members representing business, government, and the public at large. Each member serves a four-year term. The Council is staffed by DNR.

In addition to the general functions, the Council is directed to: (a) advise state agencies concerning the promulgation of administrative rules related to solid waste reduction, recovery and recycling; (b) advise DNR and the University of Wisconsin system concerning educational efforts and research related to these activities; (c) in cooperation with the packaging industry, recommend standards for recyclable packaging; (d) develop recommendations, advise and assist local officials and the automotive service industry to promote the recycling of used oil filters; (f) advise DNR concerning the development of a statewide plan for public service announcements that would provide information about recycling programs and the benefits of recycling; and (g) advise the Governor and the Legislature.

During 2015 and 2016, the Council worked on the following activities: (a) studied electronics recycling efforts and the costs of recycling electronics; (b) educated themselves on the recycling of rigid plastics by industries and businesses; (c)

supported efforts to continue state funding for recycling programs; (d) discussed recycling of paint, pharmaceuticals, mattresses, batteries, and propane cylinders; and (e) discussed future priorities for the Council's work in the areas of plastics, education and outreach, impacts of products from production to disposal or recycling (product stewardship), construction and demolition materials, diversion of organic materials from landfills, and funding for recycling programs.

Department of Agriculture, Trade and Consumer Protection Clean Sweep Grants

The clean sweep program provides grants to counties and municipalities for the collection of pesticides, farm chemicals, and hazardous wastes from farmers, businesses, households, schools, and government agencies. 2003 Wisconsin Act 33 created the program under DATCP by consolidating DATCP's agricultural chemical and pesticide collection program with DNR's household hazardous waste grant program. The program was further expanded under 2007 Wisconsin Act 20 to allow grants for the collection and disposal of unwanted prescription drugs. The program is currently administered under ATCP 34. Base funding for the program is \$750,000 SEG annually from the environmental management account.

The statutes provide that DATCP must award at least two-thirds of the funding available annually for clean sweep grants for household hazardous waste and pharmaceuticals collections. Grant awards are made to reimburse incurred local costs, with municipalities required to fund at least 25% of the clean sweep project costs, either with cash or in-kind services. No maximum grant award is set in statute or administrative code, although DATCP determines the maximum grant internally each grant cycle in an attempt to provide most eligible applicants with some level of funding. Table 15 shows maximum amounts es-

Table 15: Clean Sweep Maximum Grants for 2017

| Event Collection Type | Single Jurisdiction | Multi-Jurisdictional |
|-----------------------|---------------------|----------------------|
| Agricultural Waste | | |
| Permanent | \$11,000 | \$41,000 |
| Continuous | 10,000 | 40,000 |
| Temporary | 8,000 | 20,000 |
| Household | | |
| Permanent | 21,000 | 66,000 |
| Continuous | 20,000 | 65,000 |
| Temporary | 16,000 | 30,000 |
| Prescription Drug | | |
| Continuous | 5,000 | 8,000 |
| Temporary | 4,000 | 6,000 |

established for grants in the 2017 calendar year, by event type, and with distinctions given for grants either to a single municipality or to multi-jurisdictional consortia grant applicants. For reference, temporary events are collections lasting up to three days in a calendar year, while continuous collections operate four days or more each year. Permanent collections are those that operate during at least six months of the year, and have permanent infrastructure for collections.

Previously, events operated by multiple municipalities could apply for up to the sum of each applicant's maximum grant were they applying individually; for example, three counties collaborating on a continuous household hazardous waste collection could apply for up to \$54,000 under an \$18,000 annual maximum grant. However, DATCP reports it typically funded such collaborative collections below such combined maximum amounts, as the grantees would be expected to realize operating efficiencies through collaboration. DATCP instituted specific maximum grants for multi-jurisdictional collections beginning in 2016.

For 2016 events, DATCP grant awards of \$750,000 included: (a) \$475,000 for household hazardous waste collections; (b) \$200,000 for collections of agricultural waste; and (c) \$75,000 for collections of unwanted prescription drugs.

Of 32 grantees collecting agricultural waste, household wastes, or both, 17 were operating continuous or permanent collections. Of the 24 applicants collecting unwanted prescription drugs, 20 were operating continuous collections.

The Department awarded \$741,200 for clean sweep events in the 2015 calendar year, including \$243,600 for agricultural waste collection, \$397,700 for household hazardous waste collection events, and \$99,900 for collections of unwanted prescription drugs. Grants went for 24 agricultural waste collections, 36 household hazardous waste collections and 24 prescription drug collections. Of these collections, 14 agricultural waste collections, 20 household hazardous waste collections and 19 unwanted drug collections were continuous events.

Wastes collected at the 2015 events totaled approximately 2.6 million pounds, including: (a) 2,137,100 pounds of household hazardous waste; (b) 149,200 pounds of waste from agricultural sources; (c) 52,100 pounds of unwanted prescription drugs; and (d) 305,000 from other small businesses, known as very small quantity generators. Reported overall collections have customarily exceeded 2,000,000 pounds annually in recent years.

A 0.75 position was authorized under 2009 Wisconsin Act 28 for staffing the clean sweep program. DATCP reports this amount of full-time equivalent staffing was allocated in 2015-17 at an estimated cost of about \$67,000 SEG each year.

Eligible grant expenditures include: (a) costs to hire a hazardous waste contractor; (b) equipment rentals, supplies and services to operate the collection site and handle disposal, including permanent, secure drop boxes for unwanted prescription drugs; (c) applicant staff costs related to a continuous or permanent collection event; and (d) educational and promotional activities. Grants may not be used to collect, among other items: (a) oil that is not contaminated; (b) batteries; (c)

contaminated soil or debris; (d) fluorescent tubes; (e) triple-rinsed plastic pesticide containers; (e) materials or devices that may be disposed of at other waste or recycling sites; (f) personal care products; (g) infectious waste and hypodermic needles; and (h) chemicals for which there is no federally approved or state-approved disposal method.

Very small-quantity generators (VSQGs) generally are firms that do not produce more than 100 kilograms (220 pounds) of hazardous waste in any given month. Commercial firms that qualify as VSQGs are allowed to bring in hazardous wastes for disposal at clean sweep sites. VSQGs are eligible for up to a 50% subsidy from DATCP for disposal of pesticides or other approved farm chemical wastes, but must pay the full disposal costs of other hazardous chemicals. VSQGs must register with the collecting agency or hazardous waste contractor. The collecting agency or contractor must keep records of the amount of waste collected from the VSQG, the total cost to collect and dispose of this waste, and the total amount of payments received from the generator. For 2015

collections, DATCP reimbursed grantees approximately \$2,100 for costs of disposing of VSQG-generated waste. The Department set aside \$2,000 for VSQG reimbursements for 2016 and 2017 events.

University of Wisconsin System Past Funding

Prior to 2015-16, the UW System received \$155,400 SEG annually from the environmental fund for research into alternative methods of solid waste management and to administer solid waste experiment centers. The Solid Waste Research Council awarded research funds. Prior to 2015-16, the University of Wisconsin - Extension Solid and Hazardous Waste Education Center (SHWEC) received \$388,300 SEG annually from the environmental fund to provide educational and technical assistance programs in recycling and recycling market development. Under 2015 Wisconsin Act 55, funding from the environmental fund for these purposes was repealed.